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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,867	10/29/2001	Daniel Rosen	83616DMW	1108

7590 03/17/2003

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EXAMINER

ESPLIN, DAVID B

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/045,867	ROSEN, DANIEL
Examiner	Art Unit	
D. Ben Esplin	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 March 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 February 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 2/10/03 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each reference listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

The formal drawings were received on 2/21/02. These drawings are accepted.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-19, 22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by “Digital Film Mastering” by Huther et al.

FIG. 3 of Huther shows a system including an optical scanner (film scanner) for scanning a motion picture film (film reels) and generating a digital data file (film data), a system

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component (postproduction and mastering station) providing an interface to a plurality of processing files, located in the format converter shown in FIG. 8, capable of converting the digital data file into a corresponding plurality of imagery products (see page 863, column 1, lines 13-28), and a processor (format converter) for accessing a selected processing file to generate a particular imagery product. The processor is able to generate any of a plurality of particular imagery products without having to rescan the film (page 859, col. 2 last paragraph – col. 3 paragraph 3), and being accessible over a network (WAN access). Also taught by Huther, is the use of a file format that would contain source data and data necessary for spatial resampling etc. (“header” see page 861 col. 3 first paragraph). The system of Huther further shows a storage device (data tape archive) for storing the digital data file. Huther also teaches of using a file format including an image element (film data) and a processing element (format converter).

Referring specifically to claims 1-5, 10-14, and 17, the above described structure and function of the system and file format of Huther would inherently lead to the method steps recited in these claims.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 20, 21, 23, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huther.

Huther, applied as above, does not explicitly teach the step of specifically compressing the digital data file, but it does disclose that the transfer station, at which the digital data file arrives before it is archived, may be used to preprocess the data by way of format conversion (see page 861 col. 3 final paragraph – page 862 col. 1 first paragraph). Since one of the concerns of Huther about the system is minimizing the space needed for storage of the digital data files (page 863 col. 2 final paragraph), it would have been obvious to convert the digital data into well known compressed format, such as JPEG-2000 lossless wavelet compression, as an art recognized method of minimizing requisite storage space.

Further, while Huther recognizes the importance of using a single file format including source data and data for spatially resampling and colorimetrically processing the digital data file, it does not teach of a specific format that should be used. However, it would have been obvious to use a well known file format that would allow the digital data file to include this information, such as the standard SMPTE 268M-1994 as an art recognized specific embodiment of the broader file format described by Huther.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
DBE  
March 13, 2003

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800